



COHEN MILSTEIN

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September 6, 2013

VIA FEDERAL EXPRESS

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, D.C. 20460

Re: *Freedom of Information Request Regarding Navistar
International Corporation's EGR Engine.*

Dear Sir or Madam:

This is a Freedom of Information Request submitted to the Environmental Protection Agency ("EPA") pursuant to 5 U.S.C. § 552.

By this letter I am requesting any and all documents produced or obtained between January 2008 and the present regarding the following matters relating to Navistar International Corporation ("Navistar"). Documents may include, but should not be limited to, any: correspondence (written or electronic); records; e-mails; and information, agendas, transcripts, or notes of meetings or discussions concerning the following matters.

I am requesting non-privileged documents relating to:

- Any application or potential application for certification of Navistar's exhaust gas recirculation ("EGR") engine technology for any size engine (including, but not limited to, the 11-Liter, 13-Liter, and 15-Liter models) under the EPA's 2010 NOx emissions standard, with or without the use of banked emission credits. *See* 66 Fed. Reg. 5,002, 5,005 (Jan. 18, 2001); 77 Fed. Reg. 4,678, 4,680 (Jan. 31, 2012).
- Navistar's generation of and subsequent use of banked emission credits to fulfill its obligations under the 2010 NOx emissions standard. Documents discussing both when and how Navistar obtained such credits and when Navistar ultimately redeemed or planned to redeem those credits to fulfill its obligations fall within this request.



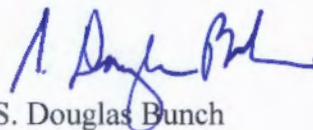
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- Navistar's complaint against, litigation against, and settlement with the EPA regarding the agency's 2009 guidance material relevant to the 2010 NOx standard. *See Navistar v. EPA*, Nos. 09-1113, 09-1114 (D.C. Cir. 2009).
- Navistar's complaint and subsequent litigation against the EPA arising from the agency's certification of engines using selective catalytic reduction ("SCR") technology under the 2010 NOx standard. *See Navistar v. Jackson*, 840 F. Supp. 2d 357 (D.D.C. 2012).
- The EPA's setting of and Navistar's payment of an initial penalty of \$1,919.00 per engine for noncompliance with the 2010 NOx emission standard. *See generally* 77 Fed. Reg. 4,678 (Jan. 31, 2012).
- Litigation arising from the EPA's final interim rule setting noncompliance penalties, *see Mack Trucks, Inc. v. EPA*, 682 F.3d 87 (D.C. Cir. 2012), and the subsequent resetting of those fines, *see generally* 77 Fed. Reg. 54,384 (Sept. 5, 2012).
- Any other fines or compliance activity under the EPA's 2010 NOx emissions standard relating to Navistar's EGR engine technology.
- Any document produced in response to any FOIA request regarding the above matters filed by any other party.

I am willing to pay fees for this request up to a maximum of \$500.00. If you estimate that fees will exceed this limit, please contact me before processing this request.

I appreciate your prompt attention to this request. If you have any questions please do not hesitate to contact me.

Very truly yours,



S. Douglas Bunch